

James E. Crowe, III

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October 14, 2014

VIA ELECTRONIC MAIL

James C. Delworth
 Jennifer A. Winfield
 Assistant United States Attorneys
 United States Attorney's Office
 Thomas F. Eagleton U.S. Courthouse
 111 S. Tenth Street, 20th Floor
 St. Louis, Missouri 63102

Re: *United States v. Palmer et al.*
4:14-CR-00175-AGF-DDN

Dear Jim and Jennifer:

I represent Joseph Gabrick in the above-referenced case. To date, we have received the following productions of materials from the Government, which were made available on or about the corresponding dates:

Date	Bates Numbers	Data Volume (approx.)
June 25, 2014	NC00000001 - 00007875	2.25 GB
July 15, 2014	NC00007876 - 00014148	6.47 GB
August 15, 2014	NC00014149 - 0015934	175 MB

As you have seen, last Thursday afternoon Magistrate Judge Collins ordered that a status conference be set for this Friday, October 17, 2014 at 1:30 p.m. for defendants' counsel to report to the Court on the efforts to review the discovery that has been furnished to defendants by the Government to date.

I write to inquire about the status of any remaining materials the Government intends to produce in fulfillment of its obligations under Fed. R. Crim. P. 12(b)(4) and Rule 16(a), as well as its obligations under *Brady v. Maryland*, 373 U.S. 83 (1963), *United States v. Agurs*, 427 U.S. 97 (1976), and their progeny, under § 9-5.001 of the United States Attorney Manual, Title 18 U.S.C. § 3500, *Giglio v. United States*, 405 U.S. 150 (1972) and *Kyles v. Whitley*, 115 S.Ct. 1555 (1995).

EXHIBIT "A" to
Defendants' Joint Motion to Amend the Order Concerning Pretrial Motions

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In particular, please inform us:

- (1) the date on which we may expect to receive the next production of discovery from the Government;
- (2) the date by which the Government plans to complete its production of all information it believes is subject to disclosure under any of the foregoing rules and disclosure requirements; and
- (3) how much data that each remaining production will consist of.

Having this basic information will better inform our discussion with the Court this coming Friday. As you can anticipate, understanding when discovery will be completed from the Government's perspective and concurrently anticipating how long it may take defendants' counsel to review any remaining materials once they are received affects the timing of when any supplemental discovery requests and motions can be made by defendants' counsel.

On a related note, if you could kindly provide a list of the materials contained on the Government's Rule 12(b)(4) notice (Doc. 94) that have been withheld from production to defendants' counsel but which are available for inspection, that will assist me in determining whether I need to visit your office in order to make review of any such materials.

I appreciate your attention to these inquiries. Should you have any questions or wish to discuss them further, please do not hesitate to contact me.

Very truly yours,



James E. Crowe, III

cc: Counsel of Record in Case No. 4:14-CR-175 AGF/DDN
Shelby M. Cowley
Patrick S. Kilgore
Jason A. Korner
Christopher P. Threlkeld
J. William Lucco
Zachary J. Borowiak
Levell Littleton
John Lynch
Chris Goeke

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